

July 5.

Authorities and Practice of Nations Sustain United States.

During his argument, Senator Turner pointed out that only Bolwering Von Litz and Jellinck had combatted the doctrine of international servitude, while the vast majority of authorities and the practice of nations confirmed the theory. The territorial sovereignty of England, he continued, had been limited so far as the jurisdiction over fisheries was concerned for the exercise of American fishing (servitude) could not be hindered or hampered by English fishing laws.

In reply to several questions by Prof. Lammasch, Senator Turner further said by territorial sovereignty he understood acts of sovereignty exercised in the territory of a state. The right accorded to the inhabitants of one state to settle in the territory of another in virtue of a commercial treaty was not international "servitude."

Liberty in the Treaty Synonymous With Right.

Continuing he argued that the treaty of 1818, however, strictly interpreted, did not contain any limitation of the servitude of American fishing. The word "liberty" in the treaty was equivalent to the franchise, a royal privilege, and the exclusive proprietary right of a very high character. The American negotiators have consented to the insertion of the word "liberty" in place of the word right, because "liberty" sounded agreeable to English ears, but the sense of the treaty remained unaltered.

The words "in common with British subjects," in the treaty, did not imply any limitation of the American right, but only that it was not exclusive, "in common" meant equally with a certain number of people without difference or distinction.

Britain had no right to prescribe how America should use her right, for in that case the American right would not be equal to the British caprices and egotism of British colonies.

British Government Failed to Produce Report.

Senator Turner drew particular attention of the tribunal to the circumstances that while the report of the American negotiators to the American government concerning the treaty of 1818 contained nothing in regard to the limitation of American right by the introduction of the expression "in common," Britain had failed to produce before the tribunal the report which the British negotiators had made to their government concerning the same treaty.

This circumstance was very significant.

Senator Turner contended that the right given inhabitants of the United States till the treaty of 1818 to take, dry and cure fish on the coasts in question, in common with the subjects of Great Britain, was a negation of exclusiveness as regards regulations, for the United States would never have accepted such a right if it were to be subject to capricious regulations by Great Britain alone, for instance as imposing a close season of 10 years. Great Britain had reserved no exclusive right in the treaty to make regulations, therefore he argued that the right "in common" created an equal right to regulate without limitations.

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Varied Assortment of Fish From Portland Trap.

About as varied an assortment of fancy fish as has been received in Portland this year was brought in recently by Charles Olsen of Cape Elizabeth. He had 21 pounds of mackerel, a salmon, some shad and what was more pleasing about 15 pounds of butter fish. These last are the first that have been brought in here this season. The four varieties of fish were caught by Mr. Olsen in his traps at Richmond's island.

Fish Deal on the Pacific Coast.

A deal which aims at the unification of all the cod fishing on the Pacific coast is now in progress, and nearly completed, backed by San Francisco and Boston capital.

On Puget Sound five companies have been engaged in codfishing in Behring sea, and the industry has grown from two schooners half a dozen years ago, to a locally controlled fleet, numbering over a dozen vessels.

Halibut at Portland.

Sch. Waldo L. Stream arrived at Portland yesterday with 18,000 pounds of halibut.

Codfish Sales.

The fare of salt and fresh codfish of sch. Thomas A. Cromwell was sold to the Gorton-Pew Fisheries Company.

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MACKEREL NEWS COMPLETE BLANK

No Tidings Being Received From the Seining Fleet.

There is a lull in the mackerel situation today, no arrivals with fish being reported, and no report from the seiners.

One seiner, sch. Indiana, arrived today from Block island, but found no fish. She was not in the vicinity of the Cultivator shoal, where the vessels which were in yesterday, took their fish, but off No Man's Land, and on the Rips, where no fish were seen.

The weather is all that could be desired for seining, and it is thought that in a day or so some others of the seiners will be reported at Boston with fish.

The Canadian fish bureau of Saturday last report a few mackerel being taken at Liverpool, N. S., but fairly plenty at Escuminac Point.

Along the Maine coast no mackerel of any consequence are being found, but occasionally a boat takes a few in drift nets, but the number is not sufficient to warrant the prediction that a good catch will be in order later in the season. It is time, however, if there are a good body of fish on this shore, that they would be showing, as in years gone by.

Saw School of Whales.

Capt. Krum of the bark Carrie Winslow, which arrived at Boston yesterday reported a great school of whales off Nantucket, 15 being counted at one time.

Old fishermen say that it is a forerunner of a school of mackerel coming on that ground and that the whales are following them.

EARLY SEINERS RUINED FISHERY

Charles A. Dyer Thinks Close Season the Only Remedy.

To the Editor of the Times:—I read with interest the item on mackerel fisheries 40 years ago. At that time Portland, Gloucester, Boothbay, Southport and other Maine towns as well as many Massachusetts towns were all largely engaged in mackerel fisheries, and at that time the business was very profitable.

The large fleet of vessels from both Gloucester and Portland with few exceptions sent their vessels to the banks on the Nova Scotia shore and our shore codfishing until July 1, then they were fitted for the mackerel fishery. We had two vessels from Portland that started the last of April south and run mackerel fresh to the Fulton market and they were all the vessels that run fresh to New York market. The first of June a few Cape Cod vessels employed in the oyster business through the winter fitted and went south hooking mackerel.

Mackerel fishery was carried on and the vessels with few exceptions paid good dividends. The netting of mackerel was also carried on successfully, the fleet of netters starting about first of June and did not go further south than Barnstable bay. They also for years were very successful, and had the mackerel fisheries been continued in this way, the business would be a very profitable business today.

But the sending south of a large fleet of vessels to catch up the spawn and milt fish ruined the business. In 1880 the fleet was increased by the building of a great many new and costly vessels. Thousands of barrels of mackerel were caught and carried into New York fresh and sold for just what they would bring and thousands of barrels were carried out and dumped in the spring of 1885. The last good mackerel year, 50,000 to 75,000 barrels were carried from New York and dumped, I had one vessel, sch. James Dyer, that caught 5000 barrels of mackerel that year and about one-half were either dumped or given away.

June was always considered the poorest month of the year for seining and with few exceptions but very few mackerel were caught, as the claim was that the mackerel were down spawning.

Until a close time is made until July 1, of each year, the business of catching mackerel will be a lottery and an unprofitable and uncertain business to all engaged.

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In 1885 I marked and inspected 25,500 barrels of mackerel and there were packed and inspected in Portland alone 125,000 to 150,000 barrels. Last year not a barrel was packed in Portland.

Capt. Smith and any of the old-time mackerel catchers know that the southern mackerel fisheries has ruined what was once a very large profitable business, employing thousands of men and the most of them were first-class men, engaged in a business at that time that was a good profitable business. And the southern mackerel fishery is carried on today by a few good men on the principal of let tomorrow take care of itself, and if they knew sure that the making of a close time would bring back the large and profitable business of 40 years ago they would continue to go south and carry on the business at a great loss, hoping against hope that the business will come back without a close time until July 1st of each year.

I wrote Capt. McFarland last fall that in time the business will regulate itself, but it will be at a great loss to those who engage in it; that the gill nets would take the place of seining and the vessels that went seining the present year would do so at a great loss unless they got mackerel on the Cape Shore.

It is no use trying to catch mackerel in seines where hundreds of miles of gill nets are set. These nets prevent the mackerel from schooling and next year in order to make the business profitable, Gloucester should do away with seines and use nets, and in a couple of years the nets will finish up what is left of the business by the seining fleet.

C. A. DYER.

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Misbranding of Canned Fish.

On or about June 3, 1909, the Monterey Packing Company of Monterey, Cal., shipped from the state of California to the state of New York 63 cases of canned fish labeled "Broiled California Mackerel—Pilchard or Sardinia Caeruleus, packed at Monterey, Cal." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made, that the said shipment was liable to seizure under section 10 of the act, the secretary of agriculture reported the facts to the United States attorney for the southern district of New York.

In due course a libel was filed against the said 63 cases of canned fish charging misbranding, in that each can was labeled "Broiled California Mackerel—Pilchard or Sardinia Caeruleus," which form of labelling was false and misleading, in that the product contained in each of said cans was not broiled California mackerel, but was California sardine, and also the words "Pilchard or Sardinia Caeruleus," were printed on said cans in very small insignificant letters noticeable only upon close inspection, and were further misbranded, in that the product was offered for sale under the distinctive name of another article, and praying seizure, condemnation and forfeiture.

On September 14, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released to the owners upon payment of costs and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States or of any state, territory or insular possession thereof.

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ROCKPORT NOTES.

First Squid of the Season.

The Story company's trap had the first squid of the season yesterday, when it produced four barrels. This is good news for the fishermen, as there has been a great scarcity of bait, and the appearance of the squid makes them more hopeful.

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NEW WHALER VIOLA SAILS.
Craft Was Built at Essex and Fitted
at This Port.

The new and handsome brig Viola sailed from New Bedford the latter part of last week and her departure marked a new era in the whaling world. Not for some years has a whaling brig sailed from that port, and it is a strange circumstance that the records of the port of Boston show that not a brig arrived there during last year.

Brigs are a handy rig, and when Capt. John A. Cook of the John A. Cook Whaling Company decided to build a whaler, on account of the phenomenal luck and success his first whaler, the Valkyria, met with, he decided immediately on a square rigger, and a brig as the proper thing for a small vessel.

The Viola was built by Tarr & James at Essex, and fitted at this port, and while she has a fisherman's hull, she will carry much more than the ordinary fisherman of her build. She is just under 200 tons burthen, and old whalemens, who have been admiring her while she has been fitting out have seen much to praise in her build and little to criticise.

The Viola hails from Portland and is named after Capt. Cook's wife who is making the trip with him as "assistant navigator." She has been 12 years with her husband at sea, and three years of this time was spent in the dreary Arctic ocean consecutively. The Bowhead, Capt. Cook's steamer, spent one winter north and then decided to remain another winter. Then the next season the Bowhead got caught in the ice north and it was necessary to winter a third season in the Arctic. This voyage was a trying one to Mrs. Cook, and she returned the next year much broken in health, but now having thoroughly recovered and her husband going only sperm whaling she decided to accompany him.

Capt. Cook was born in Provincetown and early in life took to the sea, going out in schooners. He gradually worked his way up till he became commander of his own craft, and the Viola is his latest.

Capt. Cook goes this time for an 18 months' trip, and will try to find the big sperm whale. The Viola will first head for the western grounds and then move toward the coast of Africa.

NO CHANGE HERE.

Fishermen For a Thousand Years by
Methods Now In Use.

The Lowestoft fishermen say that the method of catching herrings has scarcely changed during the last thousand years or more, and that their nets must be the same in principle as those which were employed before Richard the Lion-hearted and his Crusaders sailed for the Holy Land. The statement has much of truth in it, and when we drift at our nets on the lonely sea, with our great lamp-like riding-light burning steadily amidships, we present much the same spectacle that could have been witnessed many centuries ago. It was at night when the herrings were caught, and night on the vast and melancholy waste of water hides that modernity which only day reveals. There are other riding-lights, and here and there, the mast-head and side-lights of a steamer going north or south; but the steel and iron hulls are only guessed by some chance glimmer from a port or deck house.

And the men have changed but little surely! Their dress for work is primitive, hiding all that is suggestive of the modern landsman. There is a jumper which the skipper and crew wear—a garment made of stout canvas and barked with the sailcloth. It covers the arms and trunk nearly to the knees, almost as the coarse smock garbed the serf of old and the men of his rank who would alone, in those days, get to sea to fish. The jumper in its long variety is like a nightdress. Its short form is generally favored, but skippers often use the long garment, as the covering keeps the cold out, and skippers, being leaders, have spare time in which to feel the drafts that invade all unprotected crevices. There are rough thick, woolen stockings and boots which may be thigh boots, or half boots, or clumpers according to the weather, and as for headdress that is anything in the way of covering which comes handy, but mostly a cap, except in bad weather when it is the so'wester.—Scribner's Magazine.

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Halibut Sale.

The fare of halibut of sch. Almeida sold to the American Halibut Company for 10 1-2 cents per pound.

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ANOTHER GOOD
TRAWL BANK TRIP

Sch. Lucinda I. Lowell Arrived
With 260,000 Lbs. Cod.

Receipts of fish today are confined principally to one trip of 260,000 pounds of salt cod brought in by sch. Lucinda I. Lowell. This is one of the few remaining trawlers yet to arrive and her fare is one of the best landed here this season. In fact all the salt bank trawlers have done exceptionally well, on their first trips, while the dory handliners have not met with last years' success.

Two other arrivals today are schs. Maud F. Silva with 20,000 pounds of fresh fish and sch. Thomas Brundage with 6000 pounds, both of which came via Boston.

The pollock seiners which went out yesterday did not return today which is evident that this school of fish have left this part of the coast.

Today's arrivals and receipts in detail are:

Today's Arrivals and Receipts.

- Sch. Lucinda I. Lowell, Quero Bank, 260,000 lbs. salt cod.
- Sch. Maud F. Silva, via Boston, 20,000 lbs. fresh fish.
- Sch. Thomas Brundage, via Boston, 6000 lbs. fresh fish.
- Sch. Ellen C. Burke, seining.
- Sch. Indiana, seining.
- Sch. Appomattox, via Boston.

Vessels Sailed.

- Sch. Bessie M. Dugan, seining.
- Sch. Walter P. Goulart, haddocking.
- Sch. Edith Silveira, haddocking.
- Sch. Rebecca, drifting.
- Sch. Ida S. Brooks, haddocking.
- Sch. Volant, swordfishing.
- Sch. Esperanto, shacking.
- Sch. Kineo, halibuting.
- Sch. Selma, haddocking.
- Sch. Yakima, halibuting.
- Sch. Arthur D. Story, Georges.
- Sch. Mildred V. Nunan, shacking.
- Sch. Mary B. Greer, haddocking.

Today's Fish Market.

Large halibut cod, \$3 per cwt.; medium cod, \$2.75; snappers, \$1.50.
Trawl salt Georges cod, large, \$3.50; mediums, \$3.
Large salt handline Georges cod, \$3.50; mediums, \$3.00.
Trawl bank cod, large, \$3 per cwt.; medium, \$2.75; snappers, \$1.50.
Outside sales drift Georges salt cod, \$3.75 per cwt. for large and \$3.25 for mediums.
Salt cusk, large, \$2.50 per cwt.; medium, \$2; snappers, \$1.
Salt pollock, \$1.25 per cwt.; salt haddock, \$1.25; salt hake, \$1.25.
Round pollock, 70 cts. per cwt.; dressed pollock, 75 cts.
Splitting prices for fresh fish, Western cod, large \$2 per cwt.; medium do., \$1.65; Eastern cod, large, \$1.60; medium cod, \$1.40; cusk, \$1.60 for large, \$1.20 for medium and 50c for snappers; haddock, 80 cts.; hake, 90 cts.; pollock, round, 65 cts.; dressed, 70 cts.

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Swordfish at Newport.

Thirty-two swordfish caught by sch. Eva and Mildred of Portland, Me., were landed at Newport yesterday, running from 100 to 350 pounds each and sold to Boston parties for 15 cents a pound, in all \$900. The schooner caught the fish south of No Man's land after a week's cruising. Each member of the crew received as his share \$85.

Block Island sent over nine swordfish during the day, which also went to Boston.

Steamers F. S. Willard landed 20 barrels of weakfish and Winona 30 barrels of scup.

Twenty-five barrels of weakfish came from along the bay, which went to New York and Boston.

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T WHARF NOW
WELL SUPPLIED.

Another Large Fleet Reported
at Boston Today.

The fish receipts at Boston yesterday were the largest in a long time, reaching nearly one million pounds of ground fish, while the seiners landed about 25,000 large fresh mackerel. The vessels striking an empty market, prices were quite firm, so that with the exception of a couple of small trips brought down here, the entire receipts met ready disposal.

It is noticeable among the large amount of fish brought in yesterday there were but few cusk. This kind of fish is in good demand for splitting but receipts today are the smallest for the last three years.

Today's receipts at Boston continue heavy and prices are somewhat easier. This was as predicted in the Times last week when the market was bare of most all kinds of fish and prices exceedingly firm.

A number of vessels in today as well as yesterday are from off-shore grounds, so that their catches are much larger than those fishing nearer home.

One vessel is at T wharf with a small catch of swordfish which are bringing 15 cents a pound.

The receipts and prices in detail are:

Boston Arrivals.

- Sch. Jessie Costa, 4000 haddock, 23,000 cod.
- Sch. Philip P. Manta, 3000 haddock, 26,000 cod.
- Sch. Catherine and Ellen, 28,000 haddock, 8000 cod, 14,000 hake.
- Sch. Emerald, 15,000 hake, 500 cusk.
- Sch. Arbitrator, 3000 haddock, 13,000 cod.
- Sch. Boyd and Leeds, 15,000 cod.
- Sch. Frances P. Mesquita, 23,000 haddock, 8000 cod, 2000 hake.
- Sch. Gertrude, 4000 haddock, 6000 cod.
- Sch. Washakie, 8000 haddock, 3000 cod, 13,000 hake.
- Sch. Buena, 15,000 haddock, 7000 cod, 2000 hake.
- Sch. Mary C. Silveira, 5000 haddock, 10,000 cod.
- Sch. Matchless, 5000 haddock, 12,000 cod.
- Sch. Teaser, 15,000 halibut, 20,000 hake, 20,000 cusk.
- Sch. Louisa R. Silva, 7000 haddock, 20,000 cod, 10,000 pollock.
- Sch. William A. Morse, 9000 haddock, 16,000 cod.
- Sch. Quonnapowitt coming in.
- Sch. Mattakeesett, 7000 haddock, 11,000 cod.
- Sch. Catherine D. Enos, 15 swordfish.
- Sch. Hattie F. Knowlton, 7000 haddock, 4000 cod.
- Sch. Etta B., 3000 cod, 1000 pollock.
- Sch. A. W. Black, 31 swordfish.
- Haddock, \$2.50 per cwt.; large cod, \$3; market cod, \$2; hake, \$1 to \$2.25; cusk, \$2; pollock, \$2; halibut, 8 cts. per lb.; swordfish, 15 cts. per lb.

July 7.

Landed Bill Fish.

Sch. Catherine D. Enos, which arrived at Boston yesterday, had among her fare a large bill fish which was captured on Georges. This species of fish is seldom seen here and it attracted much attention among fishermen at T wharf.

Fishing Boat Burned.

The little fishing schooner Ripple and a large motor boat, the property of the Shiloh colony, were destroyed by fire at South Freeport, Me., on the Fourth, the fire supposed to have been started by boys in that neighborhood.

After Ice and Bait.

Schs. Rob Roy, Arabia and Lillian arrived at Liverpool, N. S., Monday last for ice and bait and cleared for the fishing grounds.

Halibut Sale.

The halibut fare of sch. Senator was sold to the American Halibut Company for 7 1-2 cents right through.